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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,790	01/30/2001	Endre Markovits Schersl	HAR-104	2203

7590

04/09/2003

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EXAMINER

JIANG, SHAOJIA A

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsive Amendment***

Applicant's amendment in response to the Restriction Requirement dated July 16, 2002, filed on January 21, 2003 in Paper No. 9 is non-responsive for the following reasons:

Applicant has not elected a single Group for prosecution on the merits as required in the Restriction Requirement (see page 2-3). Applicant has not also elected a composition comprising specified individual active compounds for elected group for prosecution on the merits as required in the Restriction Requirement. See page 4 therein.

Applicant's election of Group I and II is not fully responsive to the Office Action mailed July 16, 2002 since Group I (a composition claim) and Group II (a method claim) are seen to be separate and distinct inventions since they are related as product and process of use as discussed in the Restriction Requirement at page 3. A reply should be made to each point raised by the examiner's action, and may include a traverse or compliance. See MPEP § 818.

Therefore, Applicant's reply to the Restriction Requirement is incomplete.

The examiner has made a telephone call to applicant's agent Ms. Lisa M. Luedke to inform the non-responsive amendment and request an oral election on March 21, 2003, but no reply is received.

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS,

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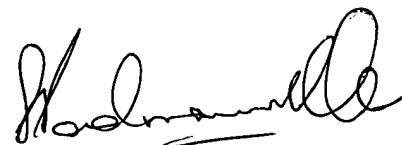
whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jiang, whose telephone number is (703) 305-1008. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, Ph.D., can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1235.

S. Anna Jiang, Ph.D.  
Patent Examiner, AU 1617  
April 1, 2003

  
SREENI PADMANABHAN  
PRIMARY EXAMINER 4/3/03